

House Bill 2712

Sponsored by Representative SCHARF; Representatives DIEHL, HIEB, LEVY B, MORGAN (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits transitional housing accommodations near schools.

Prohibits use of public moneys for constructing or operating transitional housing accommodations or emergency shelters near schools.

A BILL FOR AN ACT

1
2 Relating to shelters for individuals experiencing homelessness; creating new provisions; and amend-
3 ing ORS 197.746.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 197.746 is amended to read:

6 197.746. (1) Inside an urban growth boundary, a local government may authorize the establish-
7 ment of transitional housing accommodations used as individual living units by one or more indi-
8 viduals. Use of transitional housing accommodations is limited to individuals who lack permanent
9 or safe shelter and who cannot be placed in other low income housing. A local government may limit
10 the maximum amount of time that an individual or a family may use the accommodations.

11 (2) Transitional housing accommodations are intended to be used by individuals or families on
12 a limited basis for seasonal, emergency or transitional housing purposes and may include yurts, huts,
13 cabins, fabric structures, tents and similar accommodations, as well as areas in parking lots or fa-
14 cilities for individuals or families to reside overnight in a motor vehicle, without regard to whether
15 the motor vehicle was designed for use as temporary living quarters. The transitional housing ac-
16 commodated may provide parking facilities, walkways and access to water, toilet, shower, laundry,
17 cooking, telephone or other services either through separate or shared facilities. The Oregon Health
18 Authority may develop public health best practices for shared health and sanitation facilities for
19 transitional housing accommodations.

20 **(3) Transitional housing accommodations may not be sited within 1000 feet of a school,**
21 **unless they are developed in response to a natural disaster, as defined in ORS 197.488, for the**
22 **primary use of victims of the disaster.**

23 [(3)] (4) Transitional housing accommodations are not subject to ORS chapter 90.

24 [(4)] (5) As used in this section[,]:

25 (a) **“School” means an education facility, as defined in ORS 276A.424, or a private school**
26 **providing instruction to any grade from kindergarten through grade 12, that operates for at**
27 **least six months per year and provides in-person instruction to no fewer than 30 students.**

28 (b) **“Yurt” means a round, domed tent of canvas or other weather resistant material, having a**
29 **rigid framework, wooden floor, one or more windows or skylights and that may have plumbing,**
30 **electrical service or heat.**

31 **SECTION 2. (1) Notwithstanding any other provision of law, public moneys may not be**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 used to support the construction or operation of transitional housing accommodations, as
2 described in ORS 197.746, or emergency shelters, as defined in ORS 197.782, if the accommo-
3 dations or shelters are within 1000 feet of a school, as defined in ORS 197.746.

4 (2) Subsection (1) of this section does not apply to:

5 (a) Expenditures for accommodations or shelters that are in operation before the school
6 first commences operations;

7 (b) Expenditures for the delivery of any emergency or public safety services or for rou-
8 tine public services or operations that impose obligations upon or provide incidental benefits
9 to persons within accommodations or shelters; or

10 (c) Accommodations or shelters developed in response to a natural disaster, as defined
11 in ORS 197.488, for the primary use of victims of the disaster.

12 (3) A taxpayer prevailing on a claim against a public official under ORS 294.100 (2) based
13 on expenditures in violation of subsection (1) of this section is entitled to reasonable attorney
14 fees.

15 _____